

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Barry Hathaway,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:07-cv-03520-TLW-TER
)	
John R. Owen, Warden, et. al,)	
)	
Defendants.)	
_____)	

ORDER

The plaintiff, Barry Hathaway (“plaintiff”), proceeding *pro se*, filed this action which was transferred to this Court from the Northern District of West Virginia on October 25, 2007. (Doc. #7). An amended complaint was filed on December 17, 2007. (Doc. #18). The defendants filed a Motion to Dismiss on August 20, 2008. (Doc. #62). The plaintiff filed a Response in Opposition on November 20, 2008. (Doc. #76). The defendants then filed a Reply on December 1, 2008. (Doc. #77). The case was referred to Magistrate Judge Thomas E. Rogers, III, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #78). On January 21, 2009, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the defendants’ motion to dismiss be granted and that the complaint be dismissed. (Doc. #78). The petitioner filed no objections to the report. Objections were due on February 9, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #78).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 17, 2009
Florence, South Carolina